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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,866	05/27/2005	Yasuhito Niikura	00862.521154.	4585
5514 7590 10/26/2010 FITZPATRICK CELLA HARPER & SCINTO 1290 Avenue of the Americas NEW YORK, NY 10104-3800				
EXAMINER				
TSUL, WILSON W				
ART UNIT		PAPER NUMBER		
2178				
MAIL DATE		DELIVERY MODE		
10/26/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/536,866

**Applicant(s)**

NIIKURA ET AL.

**Examiner**

WILSON TSUI

**Art Unit**

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 April 2010.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25-28 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 25-28 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This non-final action is in response to the RCE filed on: 04/05/10 and claim amendments filed on: 04/23/10.
2. Claims 25 and 27 are amended. Claims 1-24 are cancelled. Thus, claims 25-28 are pending.
3. The following rejections are withdrawn, in view of new grounds of rejection necessitated by applicant's amendments:
  - Claims 25-28 rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata, and view of Kobayashi.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata (US Patent: 5,896,203, issued: Apr. 20, 1999, filed: Apr. 3, 1996), in view of Kobayashi2 (US Application: 2004/0083260 A1, published: Apr. 29, 2004, filed: Nov. 26, 2003).

With regards to claim 25, Shibata teaches:

*A scanner processing unit constructed to optically scan an original and generate a first*

*image data in a first data format which is a RAW format* (column 9, lines 5-12: whereas, a scanner generates image data in RAW format)

*A memory management unit constructed to generate a single page management record for managing the first image data* (column 9, lines 30 - 41: whereas for each page there is a page management information as shown in Fig 7a, 7b).

*an encoding unit constructed to generate a second image data from the first image data, in a second data format other than the RAW format* (column 9, lines 24-26: whereas, the raw image data is converted/encoded into MMR image data).

*a first data processing unit constructed to execute a first predetermined processing using the first image data in the RAW format* (column 9, lines 12-30: whereas, there is a raw image processor, to encode raw images into MMR and flag/code/mark progress appropriately via CM type codes);

*a second data processing unit constructed to execute a second predetermined processing using the second image data in the second format* (column 13, lines 12-21, Fig 12, column 13, lines 25-30: whereas the second image data in a second MMR

format is processed to be stored in a temporary buffer, and the output image data is processed by a transmission algorithm and appropriately placed in a transmission buffer, until all contents are transmitted).

*wherein the memory management unit causes the single page management record to manage the second image data in association with the first image data, such that the first image data and the second image data are managed together (Fig 7A, 7B, whereas page management data includes other status type management data to keep track of which part of a page is in raw format (unencoded), and which part of a page has been converted into MMR format, through the use of CM codes (column 9, lines 12-30), as well as the status of image data (column 9, lines 40-41) the first image data and second image data is managed by ID's and also flags in temporary memory)*

However, Shibata does not expressly teach *wherein the first and second image data represent the same image; wherein the memory management unit manages the single page management record so that the single page management record can be accessed in parallel by the first and the second data processing units, wherein the memory management unit deletes the single page management record in a case that (a) a delete request of the page management record is received from at least one of the first data processing unit or the second data processing unit and (b) neither of the first data processing unit or the second data processing unit is referring to the single page*

*management record.*

Yet, Kobayashi2 teaches *wherein the first and second image data represent the same image* (paragraphs 0231, 0233, 0234: *whereas, a first image data can be of a print format, and a second image is of a scanner format representing the same image*); *wherein the memory management unit manages the single page management record so that the single page management record can be accessed in parallel by the first and the second data processing units, wherein the memory management unit deletes the single page management record in a case that (a) a delete request of the page management record is received from at least one of the first data processing unit or the second data processing unit and (b) neither of the first data processing unit or the second data processing unit is referring to the single page management record* (paragraphs 0233, 0234: *whereas multiple processes can access image data, and the page management image data is removed, upon a completion/finish/delete request when neither first or second processing units are referring to the single record*).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Shibata's method for managing image data, such that the management record can be accessed in parallel by first and second processing units, and further deleting the management record upon a signal/request, as taught by Kobayashi2. The combination of Shibata and Kobayashi2 would have allowed Shibata to have "implemented a multifunction machine/server system incorporating equal or more functions than prior art multifunction machines [by] dealing with an electronic document at a higher efficiency" (Kobayashi2, paragraph 0021).

With regards to claim 27, for a method that is similar to the method performed by the apparatus of claim 25, is rejected under similar rationale.

5. Claims 26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata (US Patent: 5,896,203, issued: Apr. 20, 1999, filed: Apr. 3, 1996), in view of Kobayashi2 (US Application: 2004/0083260 A1, published: Apr. 29, 2004, filed: Nov. 26, 2003), in further view of Kobayashi (US Application: 2002/0051212 A1, published: May 2, 2002, filed: Sep. 6, 2001, EEFD Sep. 8, 2000).

With regards to claim 26, which depends on claim 25, the combination of Shibata and Kobayashi2 teaches *the second data format*, as similarly explained in rejection for claim 25, and is rejected under similar rationale.

However, the combination does not expressly teach the second data format *is a JBIG format*.

Yet, Kobayashi teaches the second data format *is a JBIG format* (Abstract: whereas JBIG is the second format from encoding).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Shibata and Kobayashi2's method for managing and

processing images, such that one of the images being managed/processed, would further include JBIG format, as taught by Kobayashi. The combination would have allowed Shibata to have "efficiently managed/used memory, when managing page information" (Kobayashi, paragraph 0006).

With regards to claim 28, for a method that is similar to the method performed by the apparatus of claim 26, is rejected under similar rationale.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 25-28 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILSON TSUI whose telephone number is (571)272-7596. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wilson Tsui/  
Patent Examiner  
Art Unit: 2178  
October 23, 2010

	/CESAR B PAULA/ Primary Examiner, Art Unit 2178
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